

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE MUSHROOM DIRECT  
PURCHASER ANTITRUST  
LITIGATION

THIS DOCUMENT RELATES TO:  
All Actions

**FILED**

JAN 31 2012

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

Master File NO. 06-0620

NOS. 06-0638; 06-0657;  
06-0677; 06-0861;  
06-0932; 06-1464;  
06-1854

**ORDER**

AND NOW this 31st day of January, 2012, upon consideration of plaintiffs motion to compel certain discovery from non-party Basciani Foods, Inc., BFI's motion to quash and the parties' various filings related thereto, and consistent with the accompanying memorandum of law, it is ORDERED that Plaintiffs' motion to compel is GRANTED and BFI's motion to quash is DENIED as follows:

- (1) BFI shall produce all responsive documents to plaintiffs and shall confer with plaintiffs and agree to a date for the production of responsive documents.
- (2) The information sought by the subpoena shall be obtained and maintained in conformity with the Stipulation and Order Governing the Production and Exchange of Confidential Material dated May 29, 2007 (Dkt. No. 122).
- (3) To the extent that BFI believes in good faith that certain documents are not adequately protected by the Confidentiality Order, a corresponding log of such documents shall be produced to plaintiffs and to the Court. Plaintiffs may lodge any objections to the designation of any documents as requiring *additional production* using the procedures set forth in Paragraph 11 of the

Confidentiality Order. If BFI decides to file a motion with the Court to confirm the confidentiality of the documents not produced, it shall produce any such documents to the Court for in camera review so that the Court may make a determination as to whether BFI must produce the documents in question.

It is FURTHER ORDERED that BFI's request for the costs associated with copying the requested documents is GRANTED. BFI's request for any other costs that may be incurred in the gathering and assembly of the documents, including attorney's fees is DENIED without prejudice to renewal after BFI has produced discovery as required by this Order.

  
THOMAS N. O'NEILL, JR., J.